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In re Application of	:	
SITAR	:	
Application No.: 09/937,137	:	DECISION ON PETITION
PCT No.: PCT/EP00/02718	:	
Int. Filing Date: 28 March 2000	:	UNDER 37 CFR 1.181
Priority Date: 30 March 1999	:	
Attorney Docket No.: 1271-001	:	
For: METHOD FOR THE SEPARATION OF	:	
FETAL CELLS FROM THE MATERNAL	:	
PERIPHERAL	:	

This is a decision on applicant's petition filed in the United States Patent and Trademark Office (USPTO) on 04 January 2002. The petition is being treated as a petition under 37 CFR 1.181. No petition fee is required.

### **BACKGROUND**

On 28 March 2000, applicant filed international application PCT/EP00/02718, which claimed priority of an earlier application filed 30 March 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 12 October 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 27 October 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2001.

On 21 September 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an executed, combined declaration and power of attorney; a copy of the International Search Report and a copy of the International Preliminary Examination Report.

On 31 October 2001, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date, as well as, payment of the \$65.00 surcharge for providing an oath or declaration later than 30 months from the priority date.

On 04 January 2002, applicant responded with the present petition accompanied by a copy of the executed combined declaration and power of attorney and a return postcard receipt.

### DISCUSSION

A review of the application papers reveals that the original executed combined declaration and power of attorney has been located and added to the application papers. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

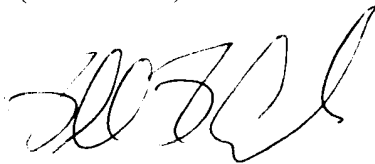
### CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED**.

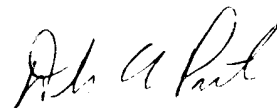
The NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed on 31 October 2001 is hereby **VACATED**.

The application has an international filing date of **28 March 2000** under 35 U.S.C. 363 and a date of **21 September 2001** under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.



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